

UNSWORN DECLARATION

SUBJECT: Discrimination Complaint of Yemisi Akinyemi and Michael Chertoff, Secretary, U.S. Department of Homeland Security, Case Number HS-06-CBP-000306-040105.

UNSWORN DECLARATION UNDER PENALTY OF PERJURY

In accordance with the following provisions of 28 U.S.C. 1746, I, Brendan L. McPhail the undersigned, do hereby make the following unsworn declaration, under penalty of perjury, pertinent to the above stated complaint:

1. Question: What is your position title, grade, and organizational unit at Newark Airport?

Answer: I am currently a Customs and Border Protection (CBP) Officer GS-11. I have been working in Entrance and Clearance since February 1, 2006. Prior to that I worked at the DAU.

2. Question: What is your national origin and race?

Answer: I am Caucasian and my national origin is Ireland.

3. Question: How long have you worked for CBP?

Answer: Since 1984.

4. Question: Who were your first level supervisors at the DAU and currently?

Answer: Lorraine Spina has been my supervisor in both locations.

5. Question: How do you know Yemisi Akinyemi?

Answer: I worked beside her at the DAU.

6. Question: What was your impression of Ms. Akinyemi as a ~~Border Patrol Officer~~ while she was on probationary status?

Customs and Border Protection OFFICER

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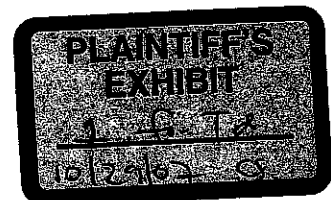


EXHIBIT F5

Answer: I thought she was very good, and a hard worker.

7. Question: What is your understanding of the CBP rules or regulations regarding access to secure areas at the Newark airport for CBP officers?

Answer: I don't think I have ever gone there on off hours so I don't know.

8. Question: To your knowledge, would CBP Officers who are not on duty at the airport go through security there in order to use the restaurants or shops in the passenger waiting areas?

Answer: I don't know.

9. Question: On December 5, 2005, Ms. Akinyemi says she asked you if you thought it would be a problem for her to go to the airport in her uniform to meet her husband. Is that accurate, and if so, what did you tell her?

Answer: I just remember she said she was going to the airport to see her husband off. I can't remember her asking about her uniform. I don't know why you couldn't go in uniform to the airport, but I don't know how TSA operates today.

10. Question: In your opinion, is there a negative perception of Nigerians at the Newark Airport because of their identification with drug smuggling?

Answer: I don't know. We profile Nigerians, but not somebody who works with us. I don't think that is a problem.

11. Question: Do you have any reason to believe Ms. Akenyemi was terminated because she is Nigerian or Black?

Answer: No, not at all.

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I declare under penalty that the foregoing is true and correct.

Executed on _____ at Newark, New Jersey
(Date) (City/State)

Signature: 

Name (Please print): Brendan McPhail

Title: CBP Officer GS-11

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ORANGEBURG WY 10962

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